

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:15-cv-00193-MR-DLH**

**DAVID B. CROSSLEY,**

**Plaintiff,**

**vs.**

**UNITED STATES POSTAL SERVICE,**

**Defendant.**

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**ORDER**

**THIS MATTER** is before the Court on the Defendant's Motion to Dismiss [Doc. 3] and the Magistrate Judge's Memorandum and Recommendation [Doc. 6] regarding the disposition of that motion.

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, the Honorable Dennis L. Howell, United States Magistrate Judge, was designated to consider the motion to dismiss and to submit a recommendation for its disposition.

On March 30, 2016, the Magistrate Judge filed a Memorandum and Recommendation in this case containing conclusions of law in support of a recommendation regarding the Defendant's motion. [Doc. 6]. The parties were advised that any objections to the Magistrate Judge's Memorandum

and Recommendation were to be filed in writing within fourteen (14) days of service. The period within which to file objections has expired, and no written objections to the Memorandum and Recommendation have been filed.

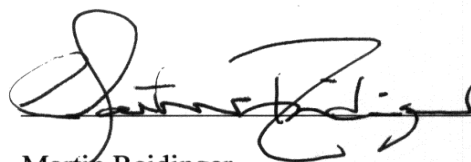
After a careful review of the Magistrate Judge's Recommendation, the Court finds that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's recommendation that the motion to dismiss should be granted.

### **ORDER**

**IT IS, THEREFORE, ORDERED** that the Memorandum and Recommendation [Doc. 6] is **ACCEPTED**, the Defendant's Motion to Dismiss [Doc. 3] is **GRANTED**, and this case is hereby **DISMISSED**.

**IT IS SO ORDERED.**

Signed: April 22, 2016

  
Martin Reidinger  
United States District Judge

